



VIETNAM COUNTRY REPORT

October 2004

**Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. Scope of Document

1.1 This Country Report has been produced by the Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information

included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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2. Geography

2.1 As noted by Europa Regional Surveys of the World: The Far East and Australasia 2004, "The Socialist Republic of Viet Nam covers a total area of 329,247 sq km (127,123 sq miles) and lies along the western shore of the South China Sea, bordered by the People's Republic of China to the north, by Laos to the west and by Cambodia to the south-west. The capital is Hanoi."

[1](p1120) [4b](Map)

2.2 According to the website of the Vietnam National Administration of Tourism, accessed on 11 August 2004, "For administration, Vietnam is divided into three regions: the North, the Center and the South; it composes 64 provinces and cities." [17d]

Population

2.3 In its Country Profile on Vietnam, updated on 15 June 2004, BBC News Online noted that a UN estimate in 2003 put the total population of Vietnam at 81.4 million, with life expectancy of 67 years for men and 71 years for women.

[14a](p2)

2.4 According to Europa 2004, in 2001 the largest town in Vietnam was Ho Chi Minh City (HCMC) in the south with a population of 5,378,100, while the capital, Hanoi, and the port town of Hai Phong were the largest towns in the north, with populations of 2,841,700 and 1,711,100, respectively. [1](p1120)

Languages

2.5 As recorded by the website of Ethnologue, accessed on 12 August 2004, while the official language of the country is Vietnamese, there are 92 other living languages, and one extinct language. [24](p1) According to the same source, in 1993 it was estimated that 86.7 per cent of the population spoke Vietnamese, split into three dialects (Northern, Central and Southern). [24](p14) Europa 2004 noted that "Vietnamese, who are ethnically related to the southern Chinese, form 80% of the population." [1](p1120) (See also Section 6.B: [Ethnic Groups](#))

2.6 For further information on geography, refer to Europa Regional Surveys of the World: The Far East and Australasia 2004 (35th edition). [1]

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3. Economy

3.1 The CIA World Factbook 2004 recorded that "Vietnam is a poor, densely-populated country that has had to recover from the ravages of war, the loss of financial support from the old Soviet Bloc, and the rigidities of a centrally-planned economy. Substantial progress was achieved from 1986 to 1996 in moving forward from an extremely low starting point - growth averaged around 9% per year from 1993 to 1997." The same source stated further that "Since the Party elected new leadership in 2001, Vietnamese authorities have reaffirmed their commitment to economic liberalization and have moved to implement the structural reforms needed to modernize the economy and to produce more competitive, export-driven industries." [4a](p6)

3.2 According to the Economist Intelligence Unit's (EIU) Country Report for Vietnam in July 2004,

"Foreign donors have expressed satisfaction with the government's economic policies, but they have again warned against complacency.... Real GDP grew by an officially estimated 7% year on year in the first half of 2004. Consumer price inflation has surged, reaching 8.1% year on year in June. However, the dong [Vietnamese currency] has only slightly depreciated against the US dollar. Farmers have enjoyed bumper crops and high prices for key export commodities. The US has cut Vietnam's garment export quotas after finding evidence of fraud. Tourist arrivals have rebounded sharply." [15](p3)

3.3 The US State Department (USSD) Report on Human Rights Practices in 2003, published on 25 February 2004, noted that

"In the last 10 years, overall poverty levels decreased significantly; as of 2002, approximately 30 percent of the population lived below the poverty line. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced CPV and government control over, and intrusion into, citizens' daily lives; however, many citizens in isolated rural areas, particularly members of ethnic minorities in the Northwest Highlands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income and development gap between urban and rural areas and within urban areas. Unemployment and underemployment remained significant problems." [2a](p1)

Official Corruption

3.4 According to BBC News Online on 2 December 2003, "The ruling Communist party has made fighting corruption one of its top priorities in an effort to win the confidence of foreign investors. Many say red tape and officials who take bribes are major obstacles to doing business in Vietnam." [14c]

3.5 The same article reported that "Two Vietnamese former ministers have each been sentenced to three years in jail [in December 2003] for their part in a state corruption case. Nguyen Thien Luan and Nguyen Quang Ha, previously junior ministers in the agriculture department, were accused of dereliction of duty and causing serious consequences." [14c]

3.6 According to the EIU in July 2004,

"Since coming to office in April 2001 the party's general secretary, Nong Duc Manh, has championed a tough anti-corruption stance, primarily in an effort to shore up the public's confidence in the party. The extent to which corruption permeates the state administration has been highlighted by a number of scandals during Mr Manh's tenure. Although these scandals have damaged the party's public profile, they have provided the current leadership with the opportunity to show publicly that it is determined to deal with any wrongdoers. The minister of agriculture and rural development, Le Huy Ngo, was sacked in June because of his failure to prevent a corruption scandal that enveloped Ministry of Agriculture officials and resulted in losses to the state of around US\$7m. The prime minister, Phan Van Khai, also recently established an inter-ministerial group to probe allegations of corruption in the state telecommunications provider, Vietnam Posts and Telecommunications Corporation." [15](p7)

3.7 The same report stated further that

"Despite these shows of progress in terms of demonstrating the leadership's eagerness to crack down on corrupt officials, greater effort needs to be made to increase the pace of bureaucratic and institutional reform in order to tackle corruption, a problem that remains endemic. There has been some progress in the state's administrative reform programme. Most notably, the 'one-stop shop' mechanism, which aims to create single agencies to deal with applications for a range of activities requiring official approval, is being expanded and will be in place at the provincial and district levels in all 64 cities and provinces by the end of 2004. This should help to limit opportunities for graft." [15](p7)

3.8 In its Country Profile on Vietnam, updated on 18 June 2004, the Foreign & Commonwealth Office (FCO) recorded that

"There is increasing concern in the Communist Party about the level of corruption in Vietnam, and how this could affect the image of the Party. As part of a major crackdown, a number of senior government officials and policemen were put on trial in early February 2003. This trial was linked to an underground gangster called Nam Cam, who allegedly bribed public officials. Nam Cam was sentenced to death, but some of the senior government officials received relatively light sentences. As the first corruption trial of its kind in Vietnam it was seen as a test of the Vietnamese authorities' sincerity in combating corruption." [8a](p3)

Land Use Certificates

3.9 As noted by Europa 2004, individuals, state-owned enterprises and co-operatives can obtain Land Use Certificates. These can be either provisional ('green book') or permanent ('red book') and are normally valid for 20 years (50 years for forestland). These certificates allow farmers to use land as collateral for loans. [1](p1142-1143) However, ultimately the land still belongs to the state and according to the USSD Report 2003, "In November 2002, hundreds of farmers clashed with local authorities in Ha Tay Province over land seizures, allegedly injuring six or seven policemen. No trials were known to have taken place linked to this incident." [2a](p10) The same source noted that

"In 2002 and during the year [2003], there were a number of peaceful protests of up to 50 persons, mostly older rural women, over land use issues.... In December 2002, the Nam Dinh Provincial People's Court sentenced 10 people to prison for sentences of 18 months to 5 years for their role in protests in 2000 related to corruption and agricultural land use taxes. Also in December 2002, the Ha Tay provincial court sentenced 22 individuals to terms of 6 months to 9 years related to their participation in April 2002 protests concerning land disputes and official corruption." [2a](p10)

3.10 According to the website of UN Volunteers, accessed on 12 August 2004, in November 2003 the National Assembly passed a revised Land Law, which for the first time required Land Use Certificates to bear the names of both husband and wife if the land belongs to both of them. [16]

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4. History

4.1 In its Country Profile on Vietnam, updated on 18 June 2004, the Foreign & Commonwealth Office (FCO) recorded that in 1954 Vietnam was divided into the communist north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). According to the same source, as the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national re-unification, the south became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. [8a](p2) According to BBC News Online on 3 June 2004, 1957 marked the beginning of the communist insurgency in the south and the US entered the war in 1964. [14b](p1)

4.2 The FCO recorded in June 2004 that the numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began in 1969 because of the growing domestic unpopularity of the war in the USA and a lack of military success. [8a](p2) BBC News Online noted in June 2004 that the troop withdrawal was completed in March 1973. [14b](p2) According to the FCO

in June 2004, although the US and the North Vietnamese reached a peace agreement in 1973, the civil war continued and a North Vietnamese invasion two years later led to the rapid collapse of the South Vietnamese regime. Subsequently, the country was formally re-unified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. [8a](p2)

4.3 The FCO also noted that national re-unification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border provocations Vietnam invaded Cambodia in December 1978 and in January 1979 installed a friendly regime in Phnom Penh. The FCO noted further that as conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international and economic isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms in the south, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. [8a](p2)

4.4 According to the same source, declining Soviet support and increasing economic problems led to the withdrawal of the Vietnamese army from Cambodia, which was completed in 1989. Following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world. This culminated in the establishment of full diplomatic relations with the United States in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). [8a](p2)

4.5 For history prior to 1954, refer to Europa Regional Surveys of the World: The Far East and Australasia 2004 (35th edition). [1]

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5. State Structures

The Constitution

5.1 As noted by Europa Regional Surveys of the World: The Far East and Australasia 2004, on 15 April 1992 the National Assembly adopted a new Constitution, a revised version of that adopted in December 1980. [1](p1158) According to Article 4 of the Constitution, "The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society." [17a]

5.2 A citizen's rights and duties are defined under Articles 50 to 80 of the 1992 Constitution. Regarding the fundamental rights of the citizen, Article 50 claims that "In the Socialist Republic of Vietnam human rights in the political,

civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law." [17a]

Citizenship and Nationality

5.3 According to Article 49 of the 1992 Constitution, "A citizen of the Socialist Republic of Vietnam is a person with Vietnamese nationality." [17a] On 10 February 2004, the Canadian Immigration and Refugee Board (IRB) recorded that "According to an official translation of the Law on Vietnamese Nationality, enacted in January 1999, the government 'creates conditions for all children born on the Vietnamese territory to have nationality' (Viet Nam Jan. 1999, Art. 8)." [6i]

5.4 The same report stated that "Article 1 of the Law acknowledges 'members of all ethnic groups are equal in their right to have ... Vietnamese nationality' (ibid., Art. 1)." The report stated further that

"Moreover, while Vietnam does not recognize dual nationality (ibid., Art. 3), Article 6 stipulates that it is the state's responsibility to 'create favourable conditions' for individuals who have lost their nationality to regain it (ibid., Art. 6). A person may prove their Vietnamese nationality by providing the following papers:

1. A certificate of Vietnamese nationality; a decision on naturalization in Vietnam, a decision on Vietnamese nationality restoration, a Vietnamese identity card or passport;
2. His/her birth certificate enclosed with papers proving the Vietnamese nationality of his/her parents, in case of the absence of the papers defined in Point 1 of this Article;
3. Other papers prescribed by the Government (ibid., Art. 11)." [6i]

Political System

5.5 In its Country Profile on Vietnam, updated on 18 June 2004, the Foreign & Commonwealth Office (FCO) noted that:

" Vietnam is a one party state where the Politburo and Central Committee of the Communist Party of Vietnam (CPV) decide major policy issues, which are then implemented by the Government. Despite the lack of freedom to organise opposition parties, there is no sign of widespread popular opposition to the regime. This is partly because the CPV still enjoys much nationalist support for its successes in defeating Vietnam's French colonialist rulers, resisting American intervention, re-unifying the country opposing Chinese encroachment and, most importantly, creating and maintaining peace and stability." [8a](p2]

5.6 The FCO noted that "The political hierarchy is headed by a triumvirate: the CPV General Secretary: Nong Duc Manh, the President: Tran Duc Luong, and the Prime Minister: Phan Van Khai." [8a](p1] It also recorded that

"The main legislative body in Vietnam is the National Assembly, which convenes biannually. In recent years it has developed from little more than a rubber stamping body to one which increasingly scrutinises government policy and holds ministers accountable for their performance. The number of full-time deputies is increasing, Committees are increasingly involved in drafting legislation, and Ministers submit to deputies' questioning. Yet the National Assembly still lacks an active role in the wider policy/strategy issues." [8a](p3)

5.7 The US State Department (USSD) Report on Human Rights Practices in 2003, published on 25 February 2004, also noted the positive developments, stating that "In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction; however, the Government continued to strengthen the capacity of the 498-member National Assembly and to reform the bureaucracy." [2a](p1)

National Assembly Elections, May 2002

5.8 The same source continued,

"The National Assembly members were chosen in May 2002 elections in which candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group for the country's mass organizations. Approximately 90 percent of elected delegates were CPV members. However, the National Assembly continued to play an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency and made progress in improving transparency in the legal and regulatory systems." [2a](p1)

5.9 As recorded by the FCO in June 2004,

"Elections to the National Assembly take place every five years; the last elections were held in May 2002. Voters chose from 762 candidates for 498 seats - an increase of 50 seats since the last election. According to official figures, over 99% of the nearly 50 million strong electorate turned out to vote. The build up to these elections highlighted the continued evolution of the National Assembly as, for the first time, candidates were required to declare their assets and answer questions regarding their declarations from their prospective constituents. Non-Communist party members won 51 seats, and women won 136 seats. In July 2002, the new deputies re-elected the National Assembly Chairman [Nguyen Van An] and the Prime Minister [Phan Van Khai]." [8a](p3)

Judiciary

5.10 The USSD Report 2003 recorded that "The Constitution provides for the independence of judges and lay assessors; however, in practice, the CPV controls the courts closely at all levels, selecting judges, at least in part, for their political reliability. Constitutional safeguards were significantly lacking." The report stated further that "The judiciary consists of the Supreme People's Court; the district and provincial People's Courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law." [2a](p4) The same report also noted that

"The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors, determines guilt or innocence and also passes sentence. Although the Constitution provides that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent of the persons who were charged with a crime were convicted. Some lawyers complained that judges generally presumed guilt." [2a](p5)

5.11 According to the same source,

"The Government conducted training programs to address the problem of inadequately trained judges and other court officials. A number of foreign governments and the U.N. Development Program (UNDP) provided assistance to strengthen the rule of law and to develop a more effective judiciary; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary undermined these efforts." [2a](p5)

5.12 In November 2003, the National Assembly passed a new Criminal Procedures Code which, according to Ha Manh Tri, Chairman of the Supreme People's Procuracy in January 2004, defined more clearly the role of the different bodies involved in trying a case. [27](p23)

Legal Rights / Detention

5.13 According to the French-based NGO, Que Me: Action for Democracy in Vietnam, in September 2002, Article 72 of the Vietnamese Constitution asserts that nobody can be detained without due process of law, but Decree 31/CP (adopted in 1997) allows the local Security Police to arrest and detain people in the interests of national security for up to 2 years without a court order. [20](p4) The USSD Report 2003 stated that

"The Criminal Code provides for various rights of detainees, including the right of the accused to have a lawyer present during interrogation; however, in practice the authorities sometimes ignored these legal safeguards.... Prior to being formally charged, a detainee has a statutory right to notify family members, and, in most cases, police informed the family of the detainee's whereabouts. A detainee may contact a lawyer, prior to being charged, if permitted by the head of the

investigating office. Following a formal charge, the detainee has a statutory right to contact an attorney; however, it was not clear that this right generally was respected in practice." [2a](p3)

5.14 According to the same report, "The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily." [2a](p3) The report also noted that "Courts may sentence persons to administrative detention for a period of up to 5 years after release from prison. These provisions were enforced unevenly. Government officials used administrative probation to place persons under house arrest without trial for up to 2 years." (2a)(p4)

5.15 Regarding arrest warrants, the British Embassy in Hanoi stated in March 2004 that "The warrant is read out before the accused who may inspect it but not keep it or retain copies." [8b]

Death Penalty

5.16 Amnesty International's Annual Report 2004 (covering events from January-December 2003) recorded that

"Despite a small reduction in the number of capital offences on the statute books in recent years and the commutations by the President of several death sentences, 2003 witnessed a dramatic rise in the reported imposition of the death penalty in Viet Nam, particularly for drugs-related offences and economic crimes. Twenty-nine offences in the Criminal Code still carry the death penalty. According to information collated from official sources, 103 people were sentenced to death in 2003; 63 were convicted of drugs-related charges and four women of fraud. There were reports that 64 were executed, many in public; the true figures were believed to be much higher." [3a](p2)

5.17 In June 2004, the FCO confirmed that "The death penalty is still widely used. 29 different offences, including non-violent ones, are capital crimes. It is estimated that more than 60 people were executed in 2003, double that of 2002. On 5 January 2004, the Prime Minister of Vietnam decided to make death penalty statistics 'state secrets'." [8a](p9)

Internal Security

5.18 The USSD Report 2003 recorded that

"Internal security is primarily the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military forces are still the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. Since 2001, the military has played a large role in the Central Highlands by enforcing restrictions on gatherings, detaining individuals, and enforcing travel restrictions." (2a)(p1)

5.19 The same report also noted that

"The MPS controls the police, a special national security investigative agency, and other units that maintain internal security. The MPS enforces laws and regulations that often significantly restrict individual liberties and violate other human rights. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. While the civilian authorities generally maintained effective control of the security forces, there were reports that elements of the security forces acted independent of government authority. Members of the public security forces committed numerous human rights abuses." [2a](p1)

5.20 A report by the Canadian IRB on 5 November 2002 stated that "Vowing to 'root out and punish its own corrupt cops,' the Ministry of Public Security in Vietnam was reported to have acknowledged that members of its force, as well as local police, were 'covering up and protecting underworld vice' (DPA 13 July 2001). According to figures quoted in a Deutsche Presse-Agentur article, corrupt police officers could account for one-third of the Ministry's police force (ibid.)." [6g] (See also Section 3, Economy: [Official Corruption](#))

5.21 The same report stated further that

"Referring to a case in which police 'severely' beat a motorcyclist over a 'minor traffic offence,' an August 2002 Agence France Presse article stated that 'often, communist Vietnam's notoriously corrupt police demand bribes as an alternative to a formal booking' (14 Aug. 2002). The same article goes on to report that 'police in Vietnam are widely despised for their routine abuse of power' and that businesses are frequently required to pay police 'protection money' or be forced out of business for 'perceived offences' (ibid.)." [6g]

Prisons and Prison Conditions

5.22 The USSD Report 2003 recorded that

"Prison conditions reportedly were often harsh but generally did not threaten the lives of prisoners. During the year, as in 2002, visits by select diplomatic observers revealed Spartan but generally acceptable conditions in at least two prisons. Men and women were housed separately in prisons. Juveniles were housed separately from adult populations. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons.... [However] Most prisoners had access to basic health care." [2a](p3)

5.23 According to Amnesty International's Annual Report 2004 (covering events from January-December 2003), "Many of those awaiting sentence or already in prison were elderly men. AI's criticism of Viet Nam's treatment of elderly prisoners of conscience provoked a furious and defensive public response from the government." [3a](p2) The USSD Report 2003 stated that "Prisoners, including those held for political reasons, were reportedly moved arbitrarily to solitary confinement, including deprivation of reading and writing materials, for periods of up to several months. Unlike in the previous year, there were no reports that some inmates were punished with harsh solitary confinement conditions during the year." [2a](p3)

5.24 Regarding pretrial detainees, the USSD Report 2003 noted that "Pretrial detainees were generally held separately from convicted prisoners and were denied visitation rights.... Unlike in the previous year, there were no reports that conditions for pretrial detainees were harsher than conditions for those who were convicted and sentenced; however, pretrial detainees were sometimes not permitted access by lawyers and family members." [2a](p3)

5.25 According to the same report,

"Some political and other prisoners were denied visitation rights.... Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain good health, especially in remote, disease-ridden areas. Although political and religious prisoners often were held under harsh conditions and with limited medical care in remote prisons, such as Z30a at Xuan Loc in an isolated part of Dong Nai Province, there was no evidence to suggest their conditions were significantly different than those for the regular prison population. During the year, as in 2002, the Government permitted selected diplomatic observers to visit prisons; however, the Government did not allow the International Committee of the Red Cross (ICRC) to visit prisoners." [2a](p3)

5.26 As recorded by the FCO in June 2004, "Estimates of the number of people imprisoned for the peaceful expression of their beliefs (including religious) range from 30 to several hundred. There have been regular prisoner amnesties since the autumn of 1998 which has led to the release of over 20,000 prisoners, some prisoners of conscience among them." [8a](p9)

Military Service

5.27 Europa 2004 recorded that "In August 2002 the total strength of the armed forces was an estimated 484,000: army 412,000; navy 42,000; air force 30,000. Men are subject to a two-year minimum term of compulsory military service between 18 and 35 years of age." [1](p1168) War Resisters International (WRI) noted in March 1998 that "Women with special qualifications and skills, while not liable to conscription, must register with the reserve forces and may be called up for training.... Reservist obligations apply until the age of 45 in the case of men, and until the age of 40 in the case of women." [19]

5.28 The USSD Report 2003 noted that "The Government enforced universal male conscription. Medical waivers were available, and students generally received deferments, as did others in special cases. Individuals who received deferments rarely were drafted. It was unknown whether there were differences in conscription rates between ethnic groups." [2a](p6)

Conscientious Objectors and Deserters

5.29 WRI recorded in March 1998 that "The right to conscientious objection is not legally recognized and there are no provisions for substitute service.... Under art. 69 of the Law on Military Service, as amended in 1990, draft evasion and desertion are punishable by disciplinary and administrative measures.... It is not clear how far draft evasion and desertion are in practice monitored and penalized." [19]

5.30 According to the Vietnamese Criminal Code, passed by the National Assembly on 21 December 1999 (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), those who evade their duties shall be subject to non-custodial reform for up to three years or between three months' and three years' imprisonment, or, if the offence caused serious consequences, between two and ten years' imprisonment (Article 326). [17e]

5.31 The same source stated that those who desert the army, having already been disciplined for such an act previously, or who cause serious consequences in doing so, or who do so in time of war, shall be subject to non-custodial reform for up to three years or between six months' and five years' imprisonment, or, if the offence caused very serious consequences, between three and twelve years' imprisonment (Article 325). [17e]

5.32 The Criminal Code also stated that the death penalty may be imposed upon those who disobeyed orders (Article 316), surrendered to the enemy in the course of combat (Article 322), or destroyed military weapons/technical means without authorisation (Article 334), if the offence caused particularly serious consequences. [17e]

Medical Services

5.33 The World Health Organisation's (WHO) Country Health Information Profile on Vietnam, accessed on 3 August 2004, recorded that "The ratio of doctors to population in 2000 was 5.29 doctors per 10 000 population and 5.78 nurses per 10 000 population." [11a](p4) It also noted that

"Health care in Viet Nam is provided partly through a state-run network of health facilities at central, provincial, district and commune level. At the central level, the management is provided by the Ministry of Health; at the province and district levels, by the Provincial Health Bureaus and the District Health Centres. At the commune level there may be some

involvement from the district level; some have no management apart from the staff of the commune health station." [11a](p2)

5.34 Regarding private health care, the same source noted that

"It has been known for a long time that many people seek health care outside the government sector. This was and is provided partially through traditional healers, pharmacists, licensed and unlicensed drug sellers, and partly through redundant assistant physicians, and through government health workers providing private services away from government facilities (occasionally also during official working hours at state-run hospitals). During the past few years, this unofficial practice has been made legitimate. Health workers have been permitted to open clinics and government health workers have been allowed to work in private clinics after their normal working day. There is still some government control over the charges which can be levied." [11a](p2)

5.35 The same source noted further that "There is no evidence that the private sector is currently challenging the state sector to improve standards of care by providing competition. Instead, serious concerns are expressed about the ready availability of potentially dangerous drugs and about the lack of control over the health care provided." [11a](p2)

5.36 According to the website of the Vietnamese Embassy in the United States, accessed on 3 August 2004, "In the face of economic difficulties, the Vietnamese Government has decided to increase the number of the beneficiaries of free medical charges for poor households and those in mountainous areas, to enhance malaria control, to extend the aid to purchase medical insurance for poor families, war invalids and soldiers. The State has attached great importance to primary health care for the community." [17b]

5.37 As recorded by Europa 2004,

"However, there has been a growing inequality in health outcomes between the poor and the more wealthy. Reliance on 'out-of-pocket' payments was noticeably high by international standards, placing a heavy burden on the poorer sections of the population. Four-fifths of spending on health care was privately funded.... In order to redress the imbalance in health outcomes, the Government's reform programme focused on changing the financing of the health sector. In October 2002 the Government issued a decree making more funding available for health services for the poor at the provincial level. The Health Care Fund for the Poor (HCFP) created as a result was intended to be used to improve access to quality health services for the poor.... However, the possible continued decline in the quality of health services in Viet Nam was not reflected as a priority concern in the central government budget." [1](p1152)

Mental Health

5.38 The WHO's Project Atlas Country Profile for Vietnam (2002) noted that a mental health programme was one of the ten objectives listed in the National Health Programme of 1999. According to the same source, in spite of a lack of mental health legislation, primary care is provided for maintenance and rehabilitation, and community based mental healthcare is integrated in the primary healthcare system. It also stated that "The Government limits financing to those patients suffering from schizophrenia and epilepsy. For other mental disorders, the patients' families are required to pay for treatment." [11b]

People with Disabilities

5.39 The USSD Report 2003 noted that

"The law requires the State to protect the rights and encourage the employment of persons with disabilities. However, provision of services to assist persons with disabilities was limited.... Government agencies responsible for services to persons with disabilities worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment; however, implementation was hampered by limited budgets." [2a](p17)

5.40 The same report stated that "The law provides for preferential treatment of firms that recruit persons with disabilities for training or apprenticeship and levies a special tax on firms that do not employ workers with disabilities; however, the Government enforced these provisions unevenly.... International groups also assisted the Government in implementing programs to increase access by persons with disabilities to education and employment." [2a](p17)

HIV / AIDS

5.41 The WHO's Country Health Information Profile on Vietnam, accessed on 3 August 2004, recorded that "The spread of HIV/AIDS is becoming a serious problem. The number of officially reported cases of HIV infections by March 2002 was 46 045 while the cumulative number of people diagnosed with AIDS had reached 6 672." [11a](p2)

5.42 According to the same source, the government has made limiting HIV infection and managing the impact of AIDS on the community by all possible means one of its national health priorities. One of the ways in which it aimed to achieve this was by developing the pharmaceutical industry and supplies of drugs and medical equipment. [11a](p3)

5.43 The USSD Report 2003 noted that "There was no official discrimination against HIV/AIDS positive citizens; however, there was some societal discrimination." [2a](p16)

Tuberculosis (TB)

5.44 According to the Stop TB Partnership's website, accessed on 5 August 2004, there are estimated to be approximately 147,000 new cases of TB and 20,000 deaths from TB in Vietnam every year. According to the same source, short course chemotherapy presently covers 99.8 per cent of the population, with a success rate of 87-90 per cent, and a World Bank loan has secured drug supplies for a period of five years. The Stop TB Partnership claims that Vietnam has achieved outstanding success in fighting TB. [12]

Educational System

5.45 As noted by Europa 2004, "Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for up to seven years, comprising a first cycle of four years and a second cycle of three years.... In 1998/99, there were 123 universities and colleges of higher education." [1](p1168)

5.46 According to the USSD Report 2003, education is compulsory up to the age of 14, although the authorities did not enforce the requirement, especially in rural areas where government and family budgets were strained, and where children were needed for agricultural labour. [2a](p17) (See also Section 6.A. Employment Rights: [Child Labour](#)). The same source recorded that

"Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon sessions. Some street children both in Ho Chi Minh City and Hanoi participated in night education courses. The public school system includes 12 grades. Over 90 percent of children attended elementary grades, but the percentage that attended junior and senior high school dropped sharply. These percentages were even lower in remote mountainous areas, although the Government ran a system of subsidized boarding schools through the high school level for ethnic minority students."
[2a](p17)

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6. Human Rights

6.A Human Rights Issues

General

6.1 The US State Department (USSD) Report on Human Rights Practices in 2003, published on 25 February 2004, stated that

“The [Vietnamese] Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny the right of citizens to change their government. Police sometimes beat suspects during arrests, detention, and interrogation. Several sources also reported that security forces detained, beat, and were responsible for the disappearances of persons during the year. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, continued.” [2a](p1)

On 27 February 2004, the Vietnamese government rejected the US State Department's criticism, saying it did not reflect the real situation in Vietnam. [25]

6.2 According to Amnesty International's Annual Report of 2004 (covering events in 2003), “The civil and political rights situation did not improve in 2003. Attacks on freedom of expression and association continued throughout the year. Members of a 'democracy group' faced arrest, unfair trial and lengthy prison sentences. In several cases, sentences were reduced on appeal in a rare move by the authorities, widely interpreted as a reaction to growing international criticism of Viet Nam's stifling of dissent.” [3a](p1) The same source continued, “Access to the Central Highlands remained strictly controlled; several groups of diplomats and journalists were permitted to visit the region under close supervision.” [3a](p3)

6.3 Human Rights Watch, in its World Report 2003 (covering events in 2002) stated that “The government continued to stifle free expression and restrict the exercise of other basic human rights.” [5a](p1)

6.4 In summing up the political climate, the Foreign & Commonwealth Office (FCO) in its Country Profile on Vietnam, updated on 18 June 2004, stated that

“The younger generation appears more interested in generating wealth than in politics. Finally, there is an all-pervasive and effective security apparatus, which keeps careful surveillance of the small number of dissidents. Nevertheless, partly because of the opening up of the country, there has been a considerable loosening of controls in recent years, with ordinary people able to enjoy more personal freedom.” [8a](p2-3)

Freedom of Speech and the Media

6.5 The USSD Report 2003 noted that “The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms.” [2a](p7) According to the same source, the Vietnamese press was able to cover issues such as official corruption. [2a](p8)

6.6 According to BBC News Online's Country Profile for Vietnam, updated on 15 June 2004,

"The Communist Party of Vietnam has a strong grip on the media. The Ministry of Culture and Information manages and supervises press and broadcasting activities. The government has shut down several newspapers for violating the narrow limits on permissible reporting. Media rights organisation Reporters Without Frontiers says publications deemed to be 'bad or inaccurate' are subject to official bans. Television is the dominant medium in Vietnam; Vietnam Television (VTV) broadcasts from Hanoi to the whole country and via satellite to the wider region. There are many provincial TV stations. The authorities restrict the viewing of foreign TV stations via satellite. Only senior officials, international hotels and foreign businesses are permitted to use satellite receiving equipment." [14a](p2-3)

6.7 As documented in the 2004 Annual Report of Reporters Without Frontiers, "Denied access to the news media, which are all state-owned, dissidents turn to the Internet to express themselves. As a result, cyber-dissidents were the main target of repression in 2003. The press meanwhile continued to modernise. Newspapers that were more liberal were launched, but they were closely watched by the censors." [7](p1)

6.8 In its 2003 Annual Report, Human Rights Watch stated that "Domestic newspapers, and television and radio stations remained under government control.... In June [2002], the prime minister [Phan Van Khai] instructed the MoCI [Ministry of Culture and Information] to tighten up controls at Vietnam's four thousand public Internet cafés to prevent customers from accessing 'state secrets,' pornography, or 'reactionary' documents. The government blocked approximately two thousand websites, including those of Vietnamese dissident groups based overseas." [5a](p2)

6.9 In November 2003, AI published a report detailing the relative ease with which the authorities in Vietnam could monitor people's online activities and highlighting the long prison sentences given to so-called cyber dissidents. [3b]

Journalists

6.10 The 2004 Annual Report of Reporters Without Frontiers documented various cases involving the imprisonment, physical attack and harassment of journalists. For example, "Dissident journalist Nguyen Dinh Huy was still in prison at the end of 2003. Detained since 17 November 1993, he was sentenced in April 1995 to 15 years in prison for trying to 'overthrow the people's government' and for being a founder-member of the Movement for People's Unity and Building Democracy, which has campaigned for press freedom." [7](p2-3)

6.11 The same report also noted two directives issued by the Communist Party's political bureau, one of which described dissident journalists as "criminal spies." According to the same report, "The law allows the authorities to crack down on dissent and sustain a climate of fear for the journalists who work for the country's 500 or so newspapers and magazines." [7](p1)

Freedom of Religion

6.12 In its International Religious Freedom Report (IRFR) 2003, covering events from July 2002 to June 2003 and published on 18 December 2003, the US State Department (USSD) noted that "Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those publicly organized activities of religious groups that were not recognized by the Government or that it declared to be at variance with state laws and policies." [2b](p1)

6.13 As reported by the same source, the government officially recognises the following six religions:

- 1) Buddhist - 8 to 40 million adherents
 - 2) Catholic - 6 to 7 million adherents
 - 3) Protestant - 1 million adherents
 - 4) Muslim - 65,000 adherents
 - 5) Hoa Hao - 1.3 to 3 million adherents
 - 6) Cao Dai - 1.1 millions adherents
- [2b](p2-4)

6.14 As noted by Christian Solidarity Worldwide (CSW) in its Country Profile for Vietnam, updated in June 2002, "The State of Vietnam declares that its national provisions on religious freedom are in conformity with international standards.... However, serious limitations remain on religious communities' freedom to worship and practice their faith without restrictions. For example, destruction of church buildings, beatings and imprisonments, forced conversions and renunciations, and prohibition of public meetings are frequent." [9](p1) The same source continued,

"Particularly important as well is the issue of registration, as Vietnam recognises six religions only: Buddhism, Catholicism, Protestantism, Islam, Cao Dai, and Hoa Hao. In many cases, including in Protestantism and Buddhism, the majority of believers are excluded from legal recognition. Particularly egregious abuses of Vietnam's one million Protestants are widespread. The 7-8 million Vietnamese Christians face restrictions and harassment on a day-to-day basis from security forces and local government authorities. Observers must be careful not to construe evidence of religious activity as religious freedom." [9](p1)

6.15 As reported in USSD's IRFR 2003, registration issues are at the fore of most disputes between (unofficial) religious groups and the government. This

is particularly so in the case of the Unified Buddhist Church of Vietnam, UBCV (see below, [Buddhists](#)) and unofficial Hoa Hao groups (see below, [Hoa Hao](#)). The withholding of official recognition of religious bodies is one of the means by which the government actively restricts religious activities. [2b](p6-10) The USSD's Country Report on Human Rights Practices in 2003, published on 25 February 2004, stated that there were at least 21 prisoners being held for religious reasons. [2a](p5)

6.16 The USSD's IRFR 2003 recorded that

"The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. However, strict restrictions on the hierarchies and clergy of religious groups remained in place, and the Government maintained supervisory control of the recognized religions, in part because the Communist Party (CPV) fears that not only organized religion but any organized group outside its control or supervision may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government." [2b](p1)

6.17 On 18 June 2004, the government issued an Ordinance on Religion, which is due to take effect on 15 November 2004. [17c] According to various articles dated between July and September 2004 on the website of International Christian Concern, the Ordinance threatened to impose further restrictions on freedom of religion in Vietnam. [10] On 2 July 2004, Asia News also criticised the new Ordinance, stating that "The newly adopted bill in fact outlaws spreading religion in ways contrary to existing laws. People in prison for example are not allowed to preside over religious ceremonies. In addition, the bill requires stricter terms and conditions for registering religious organisations and associations." [28]

Religious Groups

Buddhists

6.18 According to the USSD's IRFR 2003, some estimates suggest that over half the population of Vietnam, that is more than 40 million people, are at least nominally Buddhist, with many of them practising a mixture of traditional faiths of which Buddhism is only one component. The same report stated that only about 30 per cent of Buddhists are believed to be practising their faith regularly, with official figures much lower, at about 10 per cent. [2b](p2)

6.19 The USSD's IRFR 2003 also recorded that the Unified Buddhist Church of Vietnam (UBCV) is the most vocal unregistered Buddhist group in Vietnam. It is often at odds with the government-sponsored Central Buddhist Church of Vietnam (CBS) over issues such as the protection of temples. The same report noted that the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the Unified Buddhist Church of Vietnam (UBCV). The report noted further that "Religious

and organizational activities by UBCV monks are illegal, and all UBCV activities outside of private temple worship are proscribed." [2b](p6)

6.20 According to a report by the official information service of the UBCV, the International Buddhist Information Bureau (IBIB), dated 22 January 2004, UBCV leader, Thich Huyen Quang (now in his mid 80's) has been held in total isolation since his arrest along with his deputy, Thich Quang Do, on 9 October 2003. According to the IBIB, the two were detained in Binh Dinh along with several other senior UBCV leaders. [26]

Hoa Hao

6.21 According to the USSD's IRFR 2003, the government officially recognises one Hoa Hao organisation. [2b](p2) However, the same report noted that many believers do not recognise or participate in the government-approved organisation, and that some leaders of the pre-1975 Buddhist and Hoa Hao religious bodies have unsuccessfully requested official recognition of their organisations. Their activities are considered illegal by the authorities, and they sometimes experience harassment as a result. [2b](p5)

6.22 The USSD's IRFR 2003 stated further that

"The Hoa Hao branch of Buddhism was founded in the southern part of the country in 1939. Hoa Hao is largely a quietist faith, emphasizing private acts of worship and devotion; it does not have a priesthood and rejects many of the ceremonial aspects of mainstream Buddhism. According to the Office of Religious Affairs, there are 1.3 million Hoa Hao followers; affiliated expatriate groups estimate that there may be up to 3 million followers. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and military, as well as a religious, force before 1975.... The Government recognized Hoa Hao Administrative Committee was organized in 1999." [2b](p3-4)

6.23 The same report noted that the Hoa Hao have been allowed to hold large public gatherings in An Giang province on certain Hoa Hao festival days since 1999 and turnout for major Hoa Hao festivals range from tens of thousands to hundreds of thousands each year. [2b](p8) However, the USSD's IRFR 2003 also recorded that

"The Hoa Hao have faced severe restrictions on their religious and political activities since 1975, in part because of their previous armed opposition to the Communist forces. After 1975 all administrative offices, places of worship, and social and cultural institutions connected to the Hoa Hao faith were closed. Believers continued to practice their religion at home but the lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. A new official Hoa Hao body, the Hoa Hao Representative Committee, was formed in 1999. Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the committee, claiming that it was subservient

to the Government, and demanded official recognition of their own Hoa Hao body instead. The Government turned down a group that subsequently tried to register an independent Hoa Hao organization. Some members of this group were incarcerated and remained in custody at the end of the reporting period, although one was released in an amnesty in September 2002 and another completed his prison sentence in 2002." [2b](p8)

6.24 The USSD's IRFR 2003 noted that in March 2001, Le Quang Liem, the leader of the unofficial Hoa Hao Central Buddhist Church (HHCBC), met with HHCBC Vice-Chairman Nguyen Van Dien and several other supporters in HCMC. The police placed Liem under administrative probation the next day after a day in police custody, during which Liem claimed that he was beaten severely. Police also detained and then released the other members of the group. Liem has now finished his detention and is free, but Hoa Hao believers claim that a number of their leaders remain in detention. [2b](p12-13)

Christians

6.25 According to the USSD's IRFR 2003, between 7 and 8 million Vietnamese are Christians. [2b](p3)

Catholics

6.26 As documented by the USSD's IRFR 2003, up to 7 million people (85 per cent of Christians) in Vietnam are Roman Catholic. According to the same report, Catholics live throughout the country, but the largest concentrations remain in the southern provinces around HCMC and in the provinces southeast of Hanoi. [2b](p3)

6.27 The USSD's IRFR 2003 also recorded that

"The Roman Catholic Church continued to face many restrictions on the training and ordination of priests, nuns, and bishops. The Government effectively maintains veto power over Vatican appointments of bishops; however, in practice it has sought to cooperate with the Church in nominations for appointment.... All students must be approved by local authorities, both upon entering the seminary and prior to their ordination as priests. The Church believes that the number of students being ordained is insufficient to support the growing Catholic population." [2b](p6-7)

6.28 According to the same report, Father Nguyen Van Ly, a Catholic priest who had called for religious freedom and an end to one party rule, was originally sentenced to 15 years in prison for 'undermining national unity', but had his sentence reduced by five years in July 2003, in recognition of good behaviour. [2b](p13-14)

Protestants

6.29 According to the USSD's IRFR 2003, "Protestantism, particularly the [unregistered] house church movement in ethnic minority areas, is the fastest growing religion in the country." [2b](p3) According to the same source, two-thirds of Protestants are from ethnic minorities, and ethnic Hmong in northern Vietnam were targeted under Programme 184, which is designed to reverse the spread of the religion in areas of rapid advancement. [2b](p7)

6.30 In its 2003 Annual Report, Human Rights Watch stated that "Ethnic Hmong and Tai Christians in the north, particularly Lai Chau and Lao Cao provinces, were beaten, detained, and pressured by local authorities to renounce their religion and cease Christian gatherings... (Nonetheless) at least twelve Hmong Christians remained in prison for their religious beliefs during the year [2002]." [5a](p4)

6.31 The same report noted that a measure of protection was provided after the state approved Evangelical Church of Vietnam (North) admitted several hundred unregistered Churches. [5a](p4) However, the USSD's IRFR 2003 cited two cases of Hmong Protestants dying at the hands of the authorities, which had been attempting to force them to renounce their beliefs. [2b](p11)

6.32 Amnesty International's Annual Report 2004 (covering events from January-December 2003) recorded that "Allegations of repression, including forced renunciations of faith in village meetings, against members of unauthorized evangelical Protestant churches, particularly in the Central Highlands, continued to emerge, despite government attempts to prevent the free flow of information." [3a](p3) (See also Section 6.B: [Montagnards](#))

Cao Dai

6.33 As documented by the USSD's IRFR 2003, Cao Dai followers make up 1.5 to 3 per cent of the population, and the government officially recognises several Cao Dai organisations. [2b](p2) The same report stated that

"The Cao Dai religion was founded in 1926 in the southern part of the country. The Office of Religious Affairs estimates that there are 1.1 million Cao Dai. Some NGO sources estimate that there are from 2 to 3 million followers. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai 'Holy See' is located, and in HCMC and the Mekong Delta. There are approximately 13 separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which is comprised of more than half of all Cao Dai believers. The Cao Dai religion is syncretistic, combining elements of many faiths. Its basic belief system is influenced strongly by Mahayana Buddhism, although it recognizes a diverse array of persons who have conveyed divine revelation, including Siddhartha, Jesus, Lao-Tse, Confucius, and Moses.... A small Cao Dai organization, the Thien Tien sect, was formally recognized in 1995. The Tay Ninh Cao Dai sect was granted legal recognition in 1997." [2b](p3)

6.34 According to the USSD's IRFR 2003, the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the unapproved Cao Dai groups. [2b](p6)

6.35 The same report stated further that "In 1997, a Cao Dai Management Council drew up a new constitution under government oversight.... The Cao Dai Management Council has the power to control all of the affairs of the Cao Dai faith, and thereby manages the church's operations, its hierarchy, and its clergy within the country. Independent Cao Dai officials oppose the edicts of this council as unfaithful to Cao Dai principles and traditions." [2b](p8)

Muslims

6.36 The USSD's IRFR 2003 recorded that Muslims make up 0.1 percent of the population and that the government officially recognises one Muslim organisation. [2b](p2) The Muslim Association of Vietnam is the only registered Muslim organisation in the country, but its leaders state that they are able to practice their faith, including saying daily prayers, fasting during the month of Ramadan, and teaching the Koran. [2b](p8)

6.37 According to the same report,

"Mosques serving the country's small Muslim population, estimated at 65,000 persons, operate in western An Giang province, HCMC, Hanoi, and provinces in the southern coastal part of the country. The Muslim community mainly is composed of ethnic Cham, although in HCMC and An Giang province it includes some ethnic Vietnamese and migrants originally from Malaysia, Indonesia, and India. About half of the Muslims in the country practice Sunni Islam.... Approximately 50 percent of Muslims practice Bani Islam, a type of Islam unique to the ethnic Cham who live on the central coast of the country.... Both groups of Muslims appear to be on cordial terms with the Government and are able to practice their faith freely." [2b](p4)

Ching Hai

6.38 The website of Ching Hai, accessed on 26 August 2004, indicates that the organisation is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). [23]

6.39 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, taking what is not offered, sexual misconduct, and the use of intoxicants. Followers are also supposed to be strict vegetarians. [23]

6.40 The website of Ching Hai also lists representatives of the cult around the world, many of them in the United States. No representatives are listed for Vietnam. [23]

Freedom of Assembly & Association

6.41 The US State Department (USSD) Report on Human Rights Practices in 2003, published on 25 February 2004, recorded that

“The right of assembly is restricted in law, and the Government restricted and monitored all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general, the Government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the Government restricted the right of some religious groups to gather in worship.” [2a](p9)

6.42 According to the same report,

“The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations... Citizens were prohibited from establishing independent political parties, labor unions, and religious or veterans' organizations; however, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a](p10)

Political Activists

6.43 As documented by the USSD Report 2003, several provisions of the Criminal Code outlaw acts against the state and dissidents may be charged under any one of these. [2a](p4) The same report stated further that the government continued to imprison persons for the peaceful expression of dissenting political views. It also noted that "There were no reliable estimates of the number of political prisoners, because the Government usually did not publicize such arrests, rejected the concept of political and religious prisoners, and sometimes conducted closed trials and sentencing sessions." The same report went on to state that there were at least 14 prisoners known to be held for political reasons. [2a](p5)

6.44 The USSD Report 2003 also recorded that although no political or religious prisoners were known to be among the 750 prisoners amnestied during 2003, the government did reduce the sentences of at least 4 political prisoners during that year. However, the government claimed that it did not hold any political or religious prisoners and that persons described as political or religious prisoners were convicted of violating national security laws or general criminal laws. [2a](p5-6)

6.45 In September 2002, the French-based NGO, Que Me: Action for Democracy in Vietnam, accused the Vietnamese government of “grossly violating” its citizens' civil and political rights through the coercive use of state power and the misuse of the law to justify (i.e. make legal) human rights violations. [20](p2)

6.46 According to the Economist Intelligence Unit's Country Report for Vietnam in July 2004,

"The government continues to keep a lid on dissent. Three recent unrelated incidents support this view. The Hanoi People's Supreme Court upheld the seven-year jail sentence given to Nguyen Vu Binh, who was accused of illegally disseminating sensitive information via the Internet. International reporters and diplomats were not allowed to attend the court hearing, and his sentence is widely viewed as sending a signal to would-be 'cyber-dissidents' to keep a low profile." [15](p14)

6.47 The USSD Report 2003 noted that

"Among those believed to be detained or imprisoned [during 2003] were political activists Dr. Nguyen Dan Que, Col. Pham Que Duong, Tran Van Khue, Tran Dung Tien, Pham Hong Son, Nguyen Vu Binh, Nguyen Dinh Huy (who reportedly was suffering from Parkinson's disease), Le Chi Quang, Nguyen Khac Toan, journalist Pham Thai, and religious persons Father Nguyen Van Ly, Ngo Van Thong, Pham Minh Tri, Le Minh Triet, Nguyen Chau Lang, Truong Van Duc, Bui Van Hue, Dinh Troi, Pham Van Tuong, Ho Van Trong, Ha Hai, Thich Thien Minh, Nguyen Thien Phung, Hoang Trong Dung, Nguyen Van Lia, Ly A Hu, and Ly A Cho." [2a](p5)

Employment Rights

6.48 According to the USSD Report 2003, “Workers are not free to join or form unions of their choosing. (See above, [Freedom of Assembly & Association](#)) Trade unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL).” According to the same report, the government generally tolerated strikes even when they failed to follow the legal framework. [2a](p18)

Child Labour

6.49 As documented by the USSD Report 2003, child workers are defined as workers under the age of 18 years. According to the same report, while child labour is technically illegal, exceptions apply for certain groups aged between 15 and 18 years, while rural areas have high rates of child labour due to the need for agricultural workers. [2a](p20)

People Trafficking

6.50 According to the USSD Report 2003,

“The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, was a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for 'illegitimate profits' or illegal purposes. While reliable statistics on the numbers of citizens trafficked were not available, there was evidence that the numbers have grown in recent years.” [2a](p21)

6.51 According to the US State Department's Trafficking in Persons Report 2004, published on 14 June 2004, "The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so." The report noted the government's failure to provide evidence of increasing efforts to combat severe forms of trafficking, its weak labour export regulations which are vulnerable to abuse by unscrupulous employers to facilitate the trafficking of Vietnamese workers, and the lack of adequate protection for victims of labour trafficking. [2c]

6.52 However, the same report acknowledged that although the government did not yet have a separate national plan of action to address trafficking, trafficking in women and children is an explicit component of the 2004-2010 National Plan of Action on Protection for Children in Special Circumstances and is also addressed in the 2000-2005 National Anti-Criminal Plan of Action. It also noted that the government had engaged neighbouring governments to combat trafficking in persons and had made increasing efforts to prosecute trafficking crimes. [2c]

6.53 The USSD Report 2003 recorded that

"During the year [2003], the Government increased its efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children.... Hundreds of traffickers have been convicted and imprisoned, most notably in one high-profile case in 2002 in which over 150 persons were indicted for prostitution and migrant smuggling. That particular case involved ex-ministerial and law enforcement agents. The Government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the framework of INTERPOL and its Asian counterpart." [2a](p21)

6.54 According to the same report, "The country was a source country for trafficking in persons. Women were trafficked primarily to Cambodia and

China for sexual exploitation and arranged marriages." [2a](p21) The report continued, "Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. It appeared that most trafficking victims came from some Mekong Delta provinces, such as Can Tho and An Giang and some northern provinces, such as Quang Ninh. Some were sold by their families as domestic workers or for sexual exploitation." [2a](p22)

Freedom of Movement

Household Registration (Ho Khau)

6.55 The USSD Report 2003 noted that the Constitution provides for freedom of movement and of residence within the country but that the government imposed some limits on freedom of movement. The report stated that "Officially, citizens had to obtain permission to change their residence.... In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work; however, moving without permission restricted their ability to obtain legal residence permits.... Citizens are also required to register with local police when they stay overnight in any location outside of their own homes." [2a](p13)

6.56 As recorded by the US State Department's Bureau of Consular Affairs on 13 May 2003, "Every person residing in Vietnam must be listed on a household registry (ho khau), maintained by the Public Security Bureau." [2d](p6) According to a report by the Canadian Immigration and Refugee Board (IRB) dated 16 October 2001, if individuals move from one place to another without changing their household registration, they are moving illegally, and would be unable to obtain a job or schooling for their children. [6c]

6.57 The USSD Report 2003 recorded that

"Household registration and block warden systems existed for the surveillance of all citizens but were used with less vigor and thoroughness than in the past and usually did not intrude on most citizens. The authorities largely focused on persons whom they regarded as having views critical of the Government or whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence, although this usually was honored in the breach; however, the Government appeared to have enforced these requirements in some districts of the Central Highlands and northwestern provinces." [2a](p6)

6.58 According to the same report "Most citizens who wished to move around the country to seek work or to visit family and friends were able to do so without being monitored, and most families who sought employment moved to other locations without prior government permission.... There continued to be reports that some 'spontaneous migrant' families were unable

to obtain household registration or residence permits in their new locations, which created legal and administrative problems." [2a](p6)

6.59 The Canadian IRB recorded on 16 October 2001 that people would be removed from the household registry (ho khau) if they failed to live continuously at their address for one year. Such people could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). The same source stated further that "For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration." An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. [6c]

Identity Cards

6.60 As noted by the US State Department's International Religious Freedom Report (IRFR) 2003, published on 18 December 2003, citizens carry a national identity card, on which is indicated their religious affiliation (if this is one of the six officially recognised religions). The same report stated further that "In practice, many citizens who consider themselves religious do not indicate this on their identification card, and government statistics list them as non-religious. There are no formal prohibitions on changing one's religion; in principle, it is possible to change the entry for religion on national identification cards, but many converts may not go to the trouble." [2b](p9) (See also Section 6.A: [Freedom of Religion](#))

6.61 According to the US State Department's Bureau of Consular Affairs on 13 May 2003, "Vietnam has no central recorded system.... Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975." [2d](p3)

Passports

6.62 According to the USSD Report 2003, "Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe." [2a](p13-14)

6.63 On 16 October 2001, the Canadian IRB recorded that for a Vietnamese citizen to secure a passport within Vietnam, applicants must submit the following documents:

- 1) Birth certificate
 - 2) Household registration document (ho khau)
 - 3) Government-issued ID card
 - 4) Letter of introduction for a passport, if applicable
- [6e]

6.64 According to the same source, a representative of the Vietnamese Embassy in Ottawa stated that a certificate of police clearance is not required from Vietnamese citizens to obtain a passport in Vietnam. [6e]

6.65 According to a Vietnamese human rights activist contacted by the Canadian IRB in August 2000, it is relatively easy even for dissidents to obtain a Vietnamese passport for the purposes leaving Vietnam. However, according to the source, dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. The same source knew of cases where people openly opposed to the regime had been allowed to return to Vietnam, although they were kept under surveillance and harassed repeatedly by the police during their visit. [6b][6a regulations translated and reproduced in full]

6.66 According to the USSD Report 2003,

“Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevented persons from traveling by refusing to issue passports. In July 2002, the Government stopped issuing passports stamped Dinh Cu (immigration) to persons intending to emigrate. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad.” [2a](p13)

6.67 As recorded in a report by the Canadian IRB dated 16 October 2001, recently expired Vietnamese passports may be renewed abroad at consular offices. In Canada, the Embassy of Vietnam requires the expired passport, two photos and, if applicable, the applicant's landed immigrant certificate. [6d]

6.68 According to US State Department's Bureau of Consular Affairs on 13 May 2003, there are two types of standard Vietnamese passports:

- 1) The Socialist Republic of Vietnam (SRV) passport (ho chieu or giay ho chieu). SRV regulations effective 26 November 1997, abolished exit and entry permits in Vietnamese passports.
 - 2) A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam.
- [2d](p7)

6.69 The same source stated that

“Passports are generally valid for five years and are made of blue plastic-laminated paper with gilt print on the cover. Official passports are dark green, while diplomatic passports are maroon. The bearer's photo is on an inside page, with a dry impression seal and sometimes a clear plastic laminate over the photo. The issuance page shows the name stamp and 'stamp of office' of one of several issuing authorities.”

[2d](p7)

Returnees

6.70 According the USSD Report 2003,

"The Government generally permitted citizens, who had emigrated abroad, to return to visit. Officially, the Government considers anyone born in the country to be a citizen, even if they have acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the President. However, in practice, the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship; however, because citizens who lived overseas were considered both a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encouraged them to visit but sometimes monitored them carefully." [2a](p14)

6.71 The same report stated that "During the year [2003], there were credible reports that ethnic minority persons fleeing the country were arrested or turned back at the Cambodian border, sometimes violently. A small number were reported to be in hiding on both sides of the border." [2a](p14) The report continued,

" Foreign diplomats and journalists visited 15 UNHCR-sponsored returnees in September. While the returnees complained about poor economic conditions and the failure of the UNHCR to implement certain promises, they did not claim to have been singled out for any special harassment due to their status. In 2002, there were credible reports that non-uniformed security forces crossed the border to try to capture and return many of those who had fled after the 2001 unrest. These reports indicated that security forces succeeded in forcibly returning approximately 50 persons to Dak Lak Province. They reportedly returned another eight persons to Gia Lai Province. Gia Lai authorities reportedly placed two of the returnees in jail and the other six under administrative probation." [2a](p14)

6.72 Citing a Human Rights Watch report of 21 January 2003, the Canadian IRB noted on 4 February 2004 that since the beginning of 2003, more than 100 Montagnards who have tried to flee to Cambodia have been forcibly returned to Vietnam, where some have been arrested and beaten. The same source stated further that "More than seventy Montagnards are currently serving lengthy prison sentences in Vietnam for participating in protests or trying to flee to Cambodia since February 2001 (HRW 21 Apr. 2003). These asylum seekers may face up to twelve years in prison for attempting to leave Vietnam illegally (ibid. 21 Jan. 2003)." [6h] (See also Section 6.B: [Montagnards](#))

6.73 On 10 February 2004, the Canadian IRB recorded that

"Regarding whether a person who left Vietnam would be able to bring her non-citizen spouse to Vietnam to live, the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam stipulates that a person who is living temporarily in Vietnam may apply for permanent residency if they

are a 'spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam' (ibid. 28 Apr. 2000, Ch. 3, Art. 13). The Ordinance also states that applications for permanent residency in Vietnam should be filed at an office responsible for entry and exit under the Ministry of Police (ibid.)." [61]

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6.B Human Rights - Specific Groups

Ethnic Groups

6.74 As recorded by the website of Ethnologue, accessed in August 2004, there are 54 official ethnic communities within Vietnam. [24](p1) According to the World Directory of Minorities (1997), there are essentially three main groupings within these 54 groups:

- 1) Indigenous groups living in the central and other highlands
- 2) Non-indigenous Chinese communities
- 3) Khmer groups of the Mekong Delta area

Many of these groups are members of unregistered religious groups. [18](p648-649) (See Section 6.A: [Religious Groups](#))

6.75 According to the USSD Report 2003, "Although the Government officially is opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities." [2a](p17-18) The report stated further that

"The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Kinh by granting preferential treatment to domestic and foreign companies that invested in highland areas. The Government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school and middle school levels, and offered special admission and preparatory programs as well as scholarships at the university level." [2a](p18)

6.76 The same report stated that

"The Government resettled some ethnic minorities from inaccessible villages in mountainous provinces to locations where basic services were easier to provide; however, the effect of the policy sometimes diluted the political and social solidarity of these groups.... Large-scale, government-encouraged as well as spontaneous migration of ethnic

Kinh to the Central Highlands diluted the indigenous culture there. It also led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in 2001." [2a](p18)

Chinese (Hoa)

6.77 According to the World Directory of Minorities (1997), the Chinese are known as the Hoa - not to be confused with the Buddhist group Hoa Hao (See Section 6.A: [Hoa Hao](#)). [18](p649) The website of Ethnologue, accessed in August 2004, stated that there were 900,000 ethnic Chinese in Vietnam. [24]

6.78 The World Directory of Minorities (1997) recorded that "The majority of ethnic Chinese today live in the south and still suffer from low-level discrimination, mainly due to fear that they might dominate the economy again." [18](p649)

6.79 According to a report by the Canadian IRB, dated 26 April 2002,

"The Minorities at Risk Project stated the following in its 15 September 1999 report on the Chinese in Vietnam: Since the early 1980s, the political, economic, and cultural status of the ethnic Chinese living in Vietnam has progressively improved. Efforts to reform and liberalize the economy have allowed the Hoa to reassert their dominant role in the economic arena. One report indicates that the Chinese in Ho Chi Minh City, the country's economic center, now control up to 50% of local commercial activities. Hanoi has supported the economic efforts of the ethnic Chinese in part to improve the country's economy but also as an avenue to promote foreign investment. The ethnic Chinese appear to be a bridge between the Hanoi government and overseas Chinese investors in China, Taiwan, Hong Kong, and Singapore." [67]

6.80 According to the same source, "While the Chinese remain underrepresented in the political arena, all restrictions on their participation were officially lifted in the mid-1990s. The ethnic Chinese are referred to as Vietnamese citizens who possess the same rights and duties guaranteed to all citizens. In the cultural arena, government and private efforts have been undertaken to promote the use of Mandarin in schools and the development of a Chinese curriculum." [67]

Hmong

6.81 According to Europa Regional Surveys of the World: The Far East and Australasia 2004, the Hmong number some 750,000. [1](p1120)

6.82 The USSD Report 2003 recorded that "Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing

their Protestant religion without official approval." [2a](p18) (See also Section 6.A: [Protestants](#))

Montagnards

6.83 As recorded by Europa 2004, the Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. [1](p1120) The US-based Montagnard Foundation (MF) has documented numerous human rights abuses, including forced relocation/settlement, disappearances and the erosion of cultural identity. [21b]

6.84 According to a report on the MF website, accessed on 1 September 2004, there are only a few hundred thousand Montagnards in Vietnam today, compared to over 3 million during the period of French colonial rule. The same report stated that their name comes from the French word for mountaineers by virtue of the type of terrain they inhabit, and that they are also known by the following names: Dega(r/s), Yards, Moi (savages in Vietnamese) and Nguoi Dan toc. [21a](p1-3)

6.85 According to a report by the Kyodo news service (Japan) dated 8 April 2004, "About 1,000 Montagnards have fled to Cambodia since 2001 and most of them have been granted refugee status and offered residency in the United States." [22] The USSD Report 2003 noted that

"[Vietnamese] Government officials stated that there were many instances in which local government officials in the Central Highlands acted contrary to stated national policies or failed to uphold national laws [during 2003].... The Government continued to impose extra security measures in the Central Highlands. There were unconfirmed reports of continued pushbacks of Montagnards seeking to cross into Cambodia, sometimes accompanied by beatings and detentions; however, the Government continued to implement measures to address the causes of the unrest and initiate new measures as well. The Government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that some of the allocated land was poor." [2a](p18)

6.86 Further unrest in the Central Highlands was recorded by the Economist Intelligence Unit (EIU), in its Country Report for Vietnam dated July 2004,

"The ruling Communist Party's attempts to secure 'national unity' have once again been hit by large demonstrations by ethnic minorities, known as 'Montagnards', in the provinces of Dak Lai, Gia Lai and Lam Dong in the Central Highlands. As many as 20,000 people reportedly gathered on Easter weekend in early April to protest against the confiscation of their traditional lands and religious repression. The protests turned violent; the government claims two people died, but Human Rights Watch, a US-based human rights group, claims that at least ten people were killed. The government responded by strengthening the presence of security forces in the region, vowing to

punish 'severely' anyone inciting further unrest, and limiting access to the area by journalists and diplomats." [15](p12)

6.87 The report continued,

"Similar demonstrations in February 2001 led to more than 1,000 people fleeing across the border into Cambodia; this time, only a trickle of people were reported to have crossed the border. This may have been because the Cambodian government had said that it would repatriate any border-crossers on the basis that it does not recognise such immigrants as refugees as 'there is no war or serious political crisis in Vietnam'. However, the Cambodian government has since permitted the UN High Commissioner for Refugees (UNHCR) to reopen two offices near the border with Vietnam." [15](p13)

6.88 The EIU Report of July 2004 stated further that

"The government's official line is that the five provinces of the Central Highlands, namely Dak Lai, Gia Lai, Lam Dong, Kon Tum and Dak Nong, have made 'remarkable achievements in socio-economic development' and that this has contributed to an improvement in the spiritual and material lives of ethnic minority people. However, this view is not clearly supported by the evidence. The poverty rate in the area has remained unchanged for the past decade, even though it has fallen substantially in every other part of the country. The children of ethnic minorities in the Central Highlands are less likely to attend school and are more likely to be malnourished than their peers elsewhere in Vietnam. Numbering 1.3m, ethnic minorities in the area account for one-third of the region's population (and 1.6% of the country's population)." [15](p13)

6.89 The same report noted that "The ethnic minority groups in the Central Highlands have a tradition of opposing the Communist Party, and this opposition is fuelled in part by financial and moral support from overseas Vietnamese, most notably the US-based Montagnard Foundation led by Kok Ksor, which appears to have played a role in encouraging the recent protests, in addition to those of February 2001." The report also indicated that the issue was complicated by the fact that many ethnic minority households have turned to evangelical Protestantism, which the local authorities have tried to suppress, and some of which appear to favour the establishment of an independent 'Dega' state. [15](p13)

6.90 In its International Religious Freedom Report (IRFR) 2003, covering events from July 2002 to June 2003 and published on 18 December 2003, the US State Department (USSD) noted that the government's main response to the ethnic unrest in the Central Highlands was directed at supposed Dega Protestants, although the authorities have made little differentiation between Dega and other Protestants. [2b](p12) (See also Section 6.A: [Protestants](#))

Others

6.91 As recorded by the website of Nhan Dan, a state-run newspaper, there are a number of other more obscure ethnic groups in Vietnam. [29]

Women

6.92 According to the USSD Report 2003,

"The law addresses the problem of domestic violence; however, the authorities did not enforce the law effectively. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. International NGO workers and local contacts reported that domestic violence against women was common. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce." [2a](p16)

6.93 The same report continued,

"Under the Criminal Code, it is a crime to use violence, threaten violence, take advantage of a victim who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a victim against that person's will. This is believed to criminalize rape, spousal rape, and, in some instances, sexual harassment; however, there were no known instances of prosecution for spousal rape. NGOs and party-controlled mass organizations took some limited steps to establish shelters and train police to deal with domestic violence." [2a](p16)

6.94 The USSD Report 2003 noted that the work of the government-controlled Women's Union was viewed in a favourable light by international NGOs, and that in addition to operating micro-credit consumer finance programmes and other programmes to promote the advancement of women, it has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. [2a](p16) The USSD Report 2003 also noted that

"While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupied high government posts, few women competed successfully for higher status positions.... Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions." [2a](p16)

6.95 For information on female trafficking, see Section 6.A: [People Trafficking](#)

Children

6.96 According to the USSD Report 2003, "International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation.... Religious groups operated some orphanages, despite the Government's prohibition on such activities, and sent the children to public schools during the day." [2a](p17)

6.97 In January 2003, the Committee on the Rights of the Child discussed the Vietnamese government's report of the same month on its efforts to implement the Convention on the Rights of the Child. The BBC reported its findings on 20 February 2003, and according to its report the Committee was gravely concerned that Vietnam's move towards a market economy was having a detrimental effect upon the children of the country. It was particularly concerned about child abuse, children involved in the sex industry, and street children. Poverty, not the lack of government desire for change, was held to be the root cause. Children from rural areas were particularly disadvantaged in this regard. [14d]

Family Planning

6.98 According the USSD Report 2003,

"The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasized exhortation rather than coercion. The Government can deny promotions and salary increases to government employees with more than two children. Fines were not permitted under revised family planning regulations adopted during the year; officials claimed that fines were never a formal part of the family planning process." [2a](p6-7)

Childcare Arrangements

6.99 As reported by Reuters on 6 August 2002, the Vietnamese government announced the creation of the Ministerial Committee for Population, Family and Children, merging two existing committees, one of which covered childcare and protection, in August 2002. [13e]

6.100 According to a Reuters' report of 26 June 2002, the orphan population of Vietnam was estimated at 124,000 out of a total population of 27.8 million children in 2002. The same source noted that only 214 centres provided shelter for these orphans plus around 182,200 disabled children. [13d]

6.101 A Reuters report dated 15 May 2002 stated that the Vietnam Red Cross Society had registered its concern over children with HIV/AIDS being denied access to orphanages, and their exclusion from the government's policy on sponsoring orphaned or abandoned children under the age of fifteen. [13c]

6.102 As documented by Reuters in September 2001 and December 2001, foreign aid organisations have been permitted to assist in child welfare and care in Vietnam. [13a][13b]

6.103 The USSD Report 2003 noted that

"The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 timeframe." [2a](p17)

6.104 The same report stated that "According to a 2001 government report on child labor, there were 20,000 street children in the country. Street children were vulnerable to abuse and sometimes were abused or harassed by police." The report continued,

"Widespread poverty contributed to continued child prostitution, particularly of girls but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons, having few other choices available to them. Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of sexual exploitation.... Mass organizations and NGOs established limited programs to assist trafficked children to reintegrate into society." [2a](p17)

6.105 For information on child labour and trafficking, see Section 6.A: [Child Labour](#) and [People Trafficking](#)

Homosexuals

6.106 According to a Reuters report dated 3 August 2003, "Outward discrimination of the kind sometimes found in Western countries is rare in Vietnam, possibly because homosexuality does not yet exist as a firm concept in Vietnam and also because a large degree of same-sex tactility is accepted as normal in Southeast Asian cultures." The same report stated that "There are no laws or regulations on homosexuality or homosexuals in Vietnam, and no mention of gays as a risk group for HIV and AIDS." [13f]

6.107 According a report by Amnesty International (AI) Germany, dated 22 November 2003, "Homosexuals, bisexuals and transsexuals in Vietnam are frequently victims of political persecution or social exclusion." [3c]

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6.C Human Rights - Other Issues

Refugees

6.108 The USSD Report 2003 recorded that

"The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally provided protection against refoulement but did not routinely grant refugee or asylum status. Several embassies in the country reported that individuals claiming to be North Korean, who requested asylum in the country, have been returned to China on the basis of illegal immigration status and their own claims to have entered the country overland from China." [2a](p14)

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Annex A: Chronology of Major Events [14b]

1945: The Viet Minh seizes power and Ho Chi Minh proclaims Vietnam's independence.

1946: In November French forces attack Viet Minh at Hai Phong. French Vietnam war begins.

1954: After attack by Viet Minh forces at Dien Bien, the French agree to a peace deal in Geneva. Vietnam is split into North and South Vietnam at the 17th Parallel.

1957 - 1963: Period of Communist insurgency in South Vietnam; American aid is increased. In 1963, the Viet Cong, the Communist guerrillas of the South, defeat units of the South Vietnamese Army (ARVN) and President Diem of the South is overthrown.

1964: Start of US offensive against North Vietnam.

1965 - 1968: Height of American involvement in Vietnam War.

1969: The US begins troop withdrawals.

1973: In March, US troop withdrawal is completed.

1975: North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.

1976: Socialist Republic of Vietnam proclaimed. Hundreds of thousands flee abroad, including many boat people.

1979: Vietnam invades Cambodia and ousts the Khmer Rouge regime of Pol Pot. In response, Chinese troops cross Vietnam's northern border. They are pushed back by Vietnamese forces. The number of boat people trying to leave Vietnam causes international concern.

1989: Vietnamese troops withdraw from Cambodia.

1994: US lifts its 30-year trade embargo.

1995: US restores full diplomatic relations with Vietnam.

2001: In December, trade with the US is fully normalised.

2002: In May, National Assembly elections return a victory for the ruling Communist Party. No opposition parties contest the poll.
In July, President Tran Duc Luong is re-appointed for a second term by the National Assembly, which also re-appoints Prime Minister Phan Van Khai for a second five-year term.

2003: In June, showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences. Several government officials are given long jail sentences.

2004: In January, Vietnam confirms first human deaths from bird flu.

2004: In April, large demonstrations by ethnic minorities, known as 'Montagnards', in the Central Highlands lead to a government clamp down in the area. [15](p12)

2004: In June, Nam Cam, Ho Chi Minh City gangster, is executed.

Annex B: Political Organisations

Name in English	Name in Vietnamese (if known)	Abbreviation (if known)	General notes
Communist Party of Vietnam	Dang Cong San Viet Nam	CPV or DCSV	Founded in 1976; formerly the Viet Nam Workers' Party, founded in 1951; ruling party which has exercised monopoly on power since re-unification of Vietnam in 1975. General Secretary of Central Committee: Nong Duc Manh. [1](p1124 & 1159)
National Salvation	Cuu Quox		Unknown political party
Viet Nam Fatherland Front			Founded in 1930; in 1977, merged with National Front for the Liberation of South Viet Nam and Alliance of National, Democratic and Peace Forces in South Viet Nam to form a single front; 200 member Central Committee; President: Pham The Duet; General Secretary: Tran Van Dang. [1](p1159)
Vietnam General Confederation of Labor		VGCL	Government-controlled Trade Unions movement [2a](p18)
Vietnam Women's Union			Government-controlled body, with broad agenda to promote women's rights. [2a](p16) Founded in 1930; 11.4 million members; President: Ha Thi Khiet. [1](p1159)

Government-sponsored religious organisations			
Cao Dai Management Council			Government-sponsored Cao Dai group. [2b](p8)
Central Buddhist Church of Vietnam		CBS	Government-sponsored Buddhist group. [2b](p6)
Hoa Hao Administrative Committee			Government-sponsored Hoa Hao group. [2b](p4)
Muslim Association of Vietnam			Government-sponsored Muslim group. [2b](p8)

Annex C: Prominent People

Thich Quang Do	Deputy head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. [26]
Phan Van Khai	Prime Minister since 1997. [1](p1128)
Le Quang Liem	Head of the unrecognised Hoa Hao Central Buddhist Church. [2b](p12)
Tran Doc Luong	President since 1997. [1](p1158)
Father Nguyen Van Ly	Catholic priest who called for religious freedom and an end to one party rule; currently imprisoned. [2b](p13-14)
Nong Duc Manh	General Secretary of the CPV. [1](p1159)
Ho Chi Minh	Founder of the Indochina Communist Party in 1930, which later became the CPV. [1](p1122 & 1159)
Thich Huyen Quang	Elderly head of the Unified Buddhist Church of Vietnam (UBCV); arrested and detained on numerous occasions during the last 20 years; currently under de facto house arrest. [26]
Dr Nguyen Dan Que	One of Vietnam's most prominent dissidents; detained on numerous occasions. [2a](p4-5 & 7)

Annex D: List of Source Material

1. Europa

Regional Surveys of the World: The Far East and Australasia 2004 (35th edition): Vietnam

2. US State Department (USSD)

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